

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: Chairman Mike Milburn, on April 8, 2009 at 3:30 P.M., in Room 472 Capitol

ROLL CALL

Members Present:

Rep. Mike Milburn, Chairman (R)
Rep. Gordon R. Hendrick, Vice Chairman (R)
Rep. JP Pomnichowski, Vice Chairman (D)
Rep. Tony Belcourt (D)
Rep. Gerald Bennett (R)
Rep. Anders Blewett (D)
Rep. Jill Cohenour (D)
Rep. Sue Dickenson (D)
Rep. Betsy Hands (D)
Rep. Brian Hoven (R)
Rep. Tom McGillvray (R)
Rep. Mike Menahan (D)
Rep. Scott Mendenhall (R)
Rep. Mike Miller (R)
Rep. Michele Reinhart (D)
Rep. Kendall Van Dyk (D)
Rep. Wendy Warburton (R)

Members Excused: Rep. Chas Vincent (R)

Members Absent: None

Staff Present: Shirley Chovanak, Committee Secretary
Joe Kolman, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 505, 4/6/2009; SB 370, 4/6/2009

Executive Action: SB 505; SB 370

00:00:03 Chairman Milburn

HEARING ON SB 505

Opening Statement by Sponsor:

00:00:17 Sen. Keith Bales (R), SD 20, opened the hearing on
SB 505, Temporary permit for CBM water.

Proponents' Testimony:

00:07:13 Bruce Williams, Fidelity Exploration and Production
Company (FEPC)

EXHIBIT(nah77a01)

EXHIBIT(nah77a02)

00:14:31 Chairman Milburn

00:14:45 Jay Bodner, Montana Stockgrowers Association

00:15:38 Todd O'Hair, Rio Tinto Energy America Services Company

00:18:17 Mike Murphy, Montana Water Resources Association

00:18:57 John Youngberg, Montana Farm Bureau

00:19:20 Don Allen, Western Environmental Trade Association

00:19:57__Jon Montropoulos, FEPC

Opponents' Testimony:

00:21:55 DarAnne Dunning, Northern Plains Resource Council
(NPRC)

00:27:10 Brenda Lindlief-Hall, Tongue River Water Users
Association

EXHIBIT(nah77a03)

00:34:09 Julia Page, NPRC

EXHIBIT(nah77a04)

00:35:43 Jim Jensen, Montana Environmental Information Center

EXHIBIT(nah77a05)

00:39:00 Sarah Cobler, Montana Conservation Voters; Clark Fork
Coalition

Informational Testimony: None

Questions from Committee Members and Responses:

00:40:30 Rep. Dickenson

00:42:32 Ms. Dunning

00:44:09 Rep. Dickenson

00:45:16 Ms. Page

00:46:43 Rep. Reinhart

00:47:20 Ms. Page

00:47:52 Rep. Reinhart
00:48:05 Mr. Williams
00:49:39 Rep. Reinhart
00:50:02 Mr. Williams
00:53:52 Chairman Milburn
00:54:48 Mr. Williams
00:56:20 Chairman Milburn
00:56:37 Mr. Williams
00:57:04 Chairman Milburn
00:57:10 Mr. Williams
00:57:38 Rep. Belcourt
00:58:04 Chairman Milburn left and passed the gavel to Vice
Chair Hendrick.
00:58:04 Rep. Van Dyk left.
00:58:09 Sen. Bales
00:58:58 Rep. Cohenour
00:59:17 Sen. Bales
00:59:28 Rep. Cohenour
00:59:53 Sen. Bales
01:01:10 Rep. Cohenour
01:01:59 Sen. Bales
01:04:51 Rep. Cohenour
01:05:09 Ms. Dunning
01:07:59 Rep. Cohenour
01:07:34 Mr. Williams
01:08:40 Rep. Cohenour
01:09:02 Mr. Williams
01:09:13 Rep. Hands
01:10:17 Mr. Williams
01:11:36 Rep. Hands
01:11:51 Mr. Williams
01:12:05 Rep. Hands
01:12:07 Mr. Williams
01:12:25 Rep. Belcourt
01:12:38 Mr. Williams
01:13:00 Rep. Belcourt
01:13:11 Mr. Williams
01:13:30 Rep. Reinhart
01:13:50 Ms. Lindlief-Hall
01:14:19 Rep. Reinhart
01:15:01 Ms. Lindlief-Hall
01:15:04 Rep. Reinhart
01:15:51 Ms. Lindlief-Hall
01:17:32 Rep. Reinhart
01:17:40 Ms. Lind
01:17:45 Rep. Mendenhall
01:18:12 Mr. Montropoulos
01:18:50 Rep. Mendenhall
01:19:03 Mr. Montropoulos
01:19:46 Rep. Mendenhall

01:20:10 Mr. Montropoulos
01:21:04 Rep. Mendenhall
01:21:20 Rep. Hoven left.
01:21:30 Mr. Montropoulos
01:22:34 Rep. Reinhart
01:23:10 Mr. Montropoulos
01:23:29 Rep. Reinhart
01:23:58 Mr. Montropoulos

Closing by Sponsor:

01:24:29 Sen. Bales

01:28:10 Chairman Milburn and Rep. Van Dyk returned.

01:28:11 Recess
01:37:42 Reconvene

HEARING ON SB 370

Opening Statement by Sponsor:

01:38:00 Sen. Gary Perry (R), SD 35, opened the hearing on
SB 370, Replace RIGWA with permit fee for sand and
gravel operations.

EXHIBIT(nah77a06)

Proponents' Testimony:

01:39:44 Cary Hegreberg, Montana Contractors Association
01:41:19 Harold Blattie, Executive Director, Montana Association
of Counties
01:42:29 Gordon Morris, Lewis and Clark County Commissioners;
Montana Association of County Road Supervisors
01:43:12 Jacqueline Fikkema, Knife River

Opponents' Testimony: None

Informational Testimony:

01:43:57 Richard Opper, Director, Department of Environmental
Quality

Questions from Committee Members and Responses:

01:45:14 Rep. Dickenson
01:45:59 Mr. Blattie
01:47:17 Rep. McGillvray
01:47:55 Sen. Perry

01:48:08 Rep. McGillvray
 01:48:15 Sen. Perry
 01:48:29 Rep. Warburton
 01:49:06 Sen. Perry
 01:49:20 Rep. Warburton
 01:49:29 Sen. Perry
 01:49:41 Rep. Hands
 01:50:54 Chairman Milburn
 01:51:09 Rep. Hands
 01:51:38 Chairman Milburn
 01:51:53 Rep. Hands
 01:51:55 Chairman Milburn
 01:51:57 Sen. Perry
 01:52:17 Rep. McGillvray
 01:52:51 Mr. Opper
 01:53:24 Rep. McGillvray
 01:53:49 Mr. Opper
 01:55:03 Rep. Dickenson
 01:55:12 Mr. Opper
 01:55:16 Rep. Dickenson
 01:55:41 Mr. Opper
 01:56:07 Rep. Dickenson
 01:56:09 Mr. Opper

Closing by Sponsor:

01:56:25 Sen. Perry
 01:56:57 Chairman Milburn

EXECUTIVE ACTION ON SB 370

01:57:14 **Motion:** Rep. Hendrick moved that **SB 370 BE CONCURRED IN.**

01:57:33 **Substitute Motion:** Rep. Hendrick moved that **SB 370 BE AMENDED.**

Discussion:

01:57:39 Joe Kolman, LFD
 02:01:00 Chairman Milburn
 02:01:04 Rep. Cohenour
 02:01:16 Mr. Kolman
 02:01:39 Rep. Dickenson
 02:02:39 Chairman Milburn
 02:02:49 Mr. Kolman
 02:03:08 Rep. Hands

02:03:17 Rep. Van Dyk left.
 02:03:46 Rep. Cohenour
 02:04:27 Chairman Milburn
 02:04:32 Mr. Blattie
 02:04:51 Chairman Milburn

02:04:57 **Vote:** Motion carried unanimously by voice vote with Reps. Hoven, Van Dyk, and Vincent voting by proxy.

02:05:25 **Motion:** Rep. Hendrick moved that **SB 370 BE CONCURRED IN AS AMENDED.**

Discussion:

02:05:38 Rep. Pomnichowski
 02:06:39 Chairman Milburn

02:08:00 **Vote:** Motion carried 12-6 by roll call vote with Reps. Pomnichowski, Reinhart, Hands, Blewett, McGillvray, and Dickenson voting no. Reps. Hoven, Van Dyk, and Vincent voted by proxy.

EXECUTIVE ACTION ON SB 505

02:08:55 **Motion:** Rep. Hendrick moved that **SB 505 BE CONCURRED IN.**

02:11:53 Recess
 02:11:54 Reconvene

02:12:10 **Substitute Motion:** Rep. Hendrick moved that **SB 505 BE AMENDED.**

EXHIBIT(nah77a07)

Discussion:

02:12:33 Mr. Kolman

02:13:17 **Vote:** Motion carried unanimously by voice vote with Reps. Van Dyk, Hoven, and Vincent voting by proxy.

02:13:36 **Motion:** Rep. Hendrick moved that **SB 505 BE CONCURRED IN AS AMENDED.**

Discussion:

02:13:49 Chairman Milburn
 02:14:20 Rep. Belcourt

02:14:36 Rep. Reinhart
02:17:19 Rep. Mendenhall
02:19:43 Rep. Warburton
02:20:38 Rep. Dickenson

02:23:05 **Vote:** Motion failed 9-9 by roll call vote with Reps. Hendrick, Mendenhall, Miller, Hoven, McGillvray, Bennett, Vincent, Warburton, and Milburn voting aye. Reps. Hoven, Vincent, and Van Dyk voted by proxy.

02:23:50 **Motion:** Rep. Dickenson moved that **SB 505 AS AMENDED BE TABLED.**

02:25:05 **Vote:** Motion failed 9-9 by roll call vote with Reps. Pomnichowski, Van Dyk, Reinhart, Hands, Blewett, Cohenour, Dickenson, Belcourt, and Menahan voting aye. Reps. Van Dyk, Hoven, and Vincent voted by proxy.

02:25:05 Chairman Milburn

ADJOURNMENT

02:26:26 Adjournment: 5:30 P.M.

Shirley Chovanak, Secretary

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Additional Documents:

EXHIBIT ([nah77aad.pdf](#))